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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,460	08/29/2002	Johanna Pekonen	4925-221PUS	3049

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EXAMINER

NGUYEN, TU X

ART UNIT PAPER NUMBER

2684

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/088,460	Applicant(s) PEKONEN ET AL.	
	Examiner Tu X Nguyen	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 October 2005.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-34 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's arguments, filed 10/14/05, with respect to the rejection(s) of claim(s) 1, 20, 27 and 30 have been fully, a new ground(s) of rejection is made in view of Sporre (US Patent 5,966,657).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-17 and 20-34, are rejected under 35 U.S.C. 102(e) as being anticipated by Sporre (US Patent 5,966,657).

Regarding claim 1, Sporre discloses a method in a cellular communication system for reporting cell measurement results associated with cells of the system from a transceiver station via a radio interface between the transceiver station and a cell serving the transceiver station, comprising:

Defining (see col.3 line 48 through col.4 line 9) a reporting sequence (see col.4 lines 10-31, col.11 lines 19-20) of the cells to be used by the transceiver station for reporting;

Performing cell measurements at the transceiver station for getting cell measurement results associated with at least some of the cells (see col.11 lines 10-25);

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Selecting relevant cell measurement results from the performed cell measurements (see col.10 lines 51-60); and

Reporting the cell measurement results from the transceiver station in the defined reporting order (see col.9 lines 59-65).

Regarding claim 20, Sporre discloses a cellular communication system comprising:

A transceiver station (see M1, fig.1);

A cell serving the transceiver station via a radio interface (see C8, fig.1);

Wherein the transceiver station comprises control means (inherent) for performing cell measurements concerning at least some of the further cells, control means for defining a reporting sequence of the measurement results, control means for selecting relevant cell measurement results for the performed cell measurement, and control means for generating a report message reporting the cell measurement results in the defined reporting sequence (see col.10-11).

Regarding claims 2 and 22, Sporre discloses the measurement results are reported by information symbol strings containing a plurality of information symbols (see col.13 lines 49-59), the method further comprising a step of including an indication symbol into the measurement report string for indicating whether the following predefined number of symbols in the string includes the cell measurement results of a subsequent cell in the reporting order of the cells or whether the subsequent cell will not be reported in the measurement report string (see col.13 lines 18-48).

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Regarding claims 3 and 23, Sporre discloses the cell measurement indication symbol indicates that it will not be followed by symbols reporting the measurements results, the following symbol included in the measurement report string is a further indication symbol designated for a cell following the subsequent cell in the reporting order of the cells (see col.13 lines 18-48).

Regarding claims 4 and 24, Sporre discloses receiving predefined information about the cells to be measured at the mobile station, and defining the reporting order based on said received information (see col.3 lines 48-65).

Regarding claims 5 and 25, Sporre discloses information comprises frequency of a broadcasting control channel and the identity of a transmitting base station of the cell to be measured (see col.3 lines 48-65).

Regarding claim 6, Sporre discloses at least part of the information is transmitted in a separate message via the broadcasting control channel (see col.3 lines 48-65)

Regarding claims 7, Sporre discloses a step of associating each of the reported measurement results with respective cells at a control node of the cellular communication system (see col.7 lines 60-65).

Regarding claim 8, Sporre discloses the reported cell measurement result for a cell comprises signal level of a radio signal received at the transceiver station (see col.8 line 56-65, "strongest" corresponds to "level").

Regarding claim 9, Sporre discloses the reporting order is defined and the cell measurements are performed at the transceiver station for cells other than the serving cell (see col.3 lines 64-65).

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Regarding claim 10, Sporre discloses the reporting order is based on the information received from the serving cell (see col.3 lines 49-65).

Regarding claims 11 and 14, Sporre discloses wherein rules for defining the reporting order are stored at the transceiver station (see col.10 lines 1-2).

Regarding claims 12 and 15, Kalev discloses everything as claim 11 above. More specifically, Kalev discloses "the radio interface" (see fig.1).

Regarding claim 13, Sporre discloses a step of changing rules for defining the reporting order (see col.10 lines 1-8).

Regarding claims 16-17, Sporre discloses a step of changing the rules for the selection of the relevant cells (see col.10 lines 51-65).

Regarding claims 21 and 28, Sporre discloses at least two different cellular network arrangements (see GSM 900, DCS 1800, fig.4).

Receiver claim 26, Sporre discloses a control node including means for associating measurement results with corresponding cells based on the reporting sequence (see col.9 lines 60-65).

Regarding claim 27, Sporre discloses a mobile station (see M1, fig.1) for use in a cellular communication system comprising means for receiving cell measurement results from a station communication with one of the cells of the system (see col.60-65), said measurement results being associated with a plurality of cells of the communication system and being reported from the station in a reporting sequence of the cells defined by the station (see col.3 lines 48-65), control means (inherent) for defining the reporting order used by the station for the reporting and control means for

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attaching measurement results to cells based on the reporting sequence (see col.11 lines 10-25).

Regarding claim 30, Sporre discloses a network node of a cellular communication system comprising means for receiving cell measurement results from a station communication with one of the cells of the system (see col.60-65), said measurement results being associated with a plurality of cells of the communication system and being reported from the station in a reporting sequence of the cells defined by the station (see col.3 lines 48-65), control means for defining the reporting order used by the station for the reporting and control means for attaching measurement results to cells based on the reporting sequence (see col.11 lines 10-25).

Regarding claims 31-34, Sporre discloses step of reporting comprises reporting the cell measurement results from the transceiver station in the defined reporting sequence without including any identification parameters of the cells (see col.4 lines 41-42).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sporre (US Patent 5,966,657) in view of Parkkila (US Patent 6,223,037).

Regarding claims 18-19, Sporre fails to disclose "reference values".

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Parkkila discloses "reference values" (see col.3 lines 24-25). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sporre with the above teaching of Parkkila in order to provide the mobile station receives signals strength based on comparison with reference value in order to proceed to next step of operations.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).



November 10, 2005

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